

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

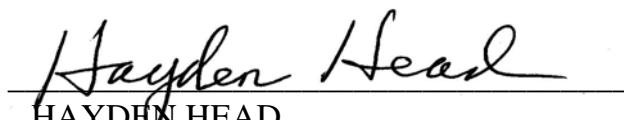
MICHAEL SCOTT, §  
TDCJ-CID #683064 §  
§  
v. § C.A. NO. C-06-108  
§  
WARDEN WILLIAM STEPHENS, ET AL. §

**MEMORANDUM OPINION AND ORDER RETAINING CASE**

On June 21, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 10). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's Memorandum and Recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's failure to protect claim is retained on the Court's docket and service is ordered on defendants.

ORDERED this 28 day of July, 2006.

  
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HAYDEN HEAD  
CHIEF JUDGE